

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today  
(1) was not written for publication in a law journal and  
(2) is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

Ex parte MARK S. RODDER

---

Appeal No. 97-3299  
Application 08/481,900<sup>1</sup>

---

ON BRIEF

---

Before THOMAS, BARRETT and LEE, Administrative Patent Judges.  
THOMAS, Administrative Patent Judge.

DECISION ON APPEAL

Appellant has appealed to the Board from the examiner's

---

<sup>1</sup> Application for patent filed June 7, 1995. According to appellant, this application is a division of Application 08/342,400, filed November 18, 1994, now Patent No. 5,475,266, issued December 12, 1995; which is a continuation of Application 08/149,147, filed November 5, 1993.

final rejection of claims 26, 28-30, 32-37 and 39.

Representative claim 26 is reproduced below:

26. A method of forming a microelectronic device, said device incorporating connecting structures between regions, the method comprising:

- a. providing a substrate having a first region;
- b. forming a first insulating layer over said substrate;
- c. removing selected portions of said first insulating layer so as to at least partially expose said region, forming a cavity above said exposed region;
- d. forming a layer of semiconductor material on said first insulating layer and said cavity so as to make contact with said first region, said layer of semiconductor material being formed with a thickness sufficient to partially fill said cavity and to prevent dopants from subsequent doping operations from penetrating to said first region;
- e. forming a second insulating layer over said semiconductor layer;
- f. removing selected portions of said second insulating layer so as to at least partially expose said semiconductor layer; and
- g. forming an interconnective layer over said second insulating layer and in electrical communication with said exposed semiconductor layer.

There are no references relied on by the examiner.

Appeal No. 97-3299  
Application 08/481,900

Claims 26, 28-30, 32-37 and 39 stand rejected under the written description portion of 35 U.S.C. § 112, first paragraph.

The examiner alleges that the present disclosure does not reasonably convey to the artisan that the inventor had possession of the presently claimed invention at the time the application was filed in that, in the examiner's view, there is no support for claiming the formation of a semiconductor "on" a first insulating layer since the figures indicate that the semi-conductor layer is formed "over" the insulating layer, as expressed in the final rejection.

Rather than repeat the positions of the appellant and the examiner, reference is made to the brief and the answer for the respective details thereof.

#### OPINION

We reverse the outstanding rejection of the claims on appeal.

Our study of the corresponding portions of the disclosed invention in the written description portion of the specification, as well as the figures, lead us to conclude our agreement with appellant's position set forth at page 3 of the brief on appeal that the formation of a layer of semiconductor material "on" a first insulating layer as recited in clause (d) of claim 26 on appeal is supported from an artisan's perspective in the specification as filed. The examiner's arguments in the answer appear to be divorced from a consideration of the disclosed invention in the specification and figures. Although the conventional dictionary meaning of the word "on" may in some context mean in contact with, the general meaning also includes a relative position with respect to something such as on top of or over or covering. As indicated by appellant at page 3 of the brief, the feature as recited in dependent claim 28 indicates that there is an intermediate layer between the semiconductor layer and the first insulating layer, which feature is consistent with figure 4(d) as disclosed. The term "on" in independent claim

Appeal No. 97-3299  
Application 08/481,900

26 does not necessarily require it to be construed, in the  
context of the whole disclosure of the claimed invention, as  
"directly on."

Appeal No. 97-3299  
Application 08/481,900

In view of the foregoing, the decision of the examiner  
rejecting claims 26, 28-30, 32-37 and 39 under 35 U.S.C. §  
112, first paragraph, is reversed.

REVERSED

	JAMES D. THOMAS	)	
	Administrative Patent Judge	)	
		)	
		)	
		)	
	LEE E. BARRETT	)	BOARD OF
PATENT	Administrative Patent Judge	)	APPEALS AND
		)	INTERFERENCES
		)	
	JAMESON LEE	)	
	Administrative Patent Judge	)	

Appeal No. 97-3299  
Application 08/481,900

JDT/cam

Appeal No. 97-3299  
Application 08/481,900

Brian C. McCormack  
Texas Instruments Incorporated  
P. O. Box 655474 M/S 219  
Dallas, TX 75265